

1 Brian R. Chavez-Ochoa (CA Bar No. 190289)*

2 brianr@chavezocholaw.com

3 Chavez-Ochoa Law Offices, Inc.

4 4 Jean Street, Suite 4

5 Valley Springs, CA 95252

6 Telephone: (209) 772-3013

7 Johannes Widmalm-Delphonse (VA Bar No. 96040)**

8 jwidmalmdelphonse@adflegal.org

9 Alliance Defending Freedom

10 44180 Riverside Parkway

11 Lansdowne, VA 20176

12 Telephone: (571) 707-4655

13 Facsimile: (571) 707-4656

14 Jonathan A. Scruggs (AZ Bar No. 030505)**

15 jscruggs@ADFlegal.org

16 Alliance Defending Freedom

17 15100 N. 90th Street

18 Scottsdale, AZ 85260

19 Telephone: (480) 444-0020

20 Facsimile: (480) 444-0028

21 *Counsel for The Babylon Bee, LLC*

22 *and Kelly Chang Rickert*

23 ** Local Counsel*

24 ***Admitted pro hac vice*

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Christopher Kohls,

Plaintiff,

v.

Rob Bonta, et al.,

Defendants.

Case No. 2:24-cv-02527-JAM-CKD

Judge: John A. Mendez

The Babylon Bee, LLC, et al.

Plaintiffs,

v.

Rob Bonta, et al.,

Defendants.

Case No. 2:24-cv-02787-JAM-CKD

Rumble Inc., et al.

Plaintiffs,

v.

Rob Bonta, et al.

Defendants.

Case No. 2:24-cv-03315-JAM-CKD

X. Corp,

Plaintiff,

v.

Rob Bonta, et al.

Defendants.

Case No. 2:24-cv-03162-JAM-CKD

**DECLARATION OF KELLY CHANG RICKERT IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT**

I, Kelly Chang Rickert, declare as follows:

1. I am above the age of 18, and competent to make this declaration.

2. The facts in this declaration are within my personal knowledge and are true and correct. If called to testify, I could and would testify competently to these facts.

3. I am an attorney practicing law in California. I have owned and operated my own law firm since 2005—the Law and Mediation Offices of Kelly Chang (“law firm”).

4. I have served as a legal expert for media outlets such as CBS News, MTV, People Magazine, US Weekly, and others.

5. I immigrated to the United States from Taiwan when I was six years old. I believe that the First Amendment’s robust protection for free speech is an indispensable part of upholding the freedoms we enjoy in the United States. When government steps in to censor speech, it both infringes on each person’s inherent dignity and deprives us of the free debate essential for a self-governing society.

6. California’s AB 2839 and AB 2655 have stopped and will stop me from expressing my views on important political topics. I am therefore challenging them under the First and Fourteenth Amendments.

I. I operate a blog and several online accounts engaging in political expression.

7. My law firm has its own blog that I alone operate and control. *See* Blog, <https://purposedrivenlawyers.com/blog/>.

8. I have final editorial control over the content posted on the law firm’s blog, and therefore, I consider it to be my personal blog.

9. No one has the authority to post on this blog except for me, and no one has posted on this blog except for me.

1 10. No third parties can post comments to the blog because I disabled the
2 comment section and have no present intention of re-engaging the comment feature.

3 11. I curate the content on the blog by making blog posts with the types of
4 expression I desire to communicate and to reflect the law firm's values.

5 12. Over the last year, I have written, created, and posted over seventy
6 posts for the blog.

7 13. I have written posts about abortion, gender ideology, Gavin Newsom,
8 California bills, parental rights, elections, politicians, and other potentially
9 controversial political topics.

10 14. Several hundred people subscribe to my blog, including subscribers in
11 California, and countless more view it on my website, including other California
12 residents.

13 15. I also have personal accounts on online platforms, including X,
14 Facebook, Instagram, and TikTok.

15 16. My X and Instagram accounts are public; I currently have over 1,600
16 followers on X, over 25,000 followers on Instagram, and nearly 400,000 followers on
17 TikTok, including many followers in California.

18 17. My Facebook account is private, but I have 7,400 followers on
19 Facebook.

20 18. I regularly post on my X, Instagram, and Facebook accounts on issues
21 related to politics, elections, and culture.

22 19. For example, before September 17, 2024, I posted or reposted about
23 quotes I attributed to Kamala Harris, Tim Walz, politics, society, and cultural and
24 moral issues.

25 20. Screenshots of these posts are included in Exhibit A.
26
27
28

21. After September 17, 2024, I desired to post or repost additional content on my blog and online accounts, but I refrained from doing so because of AB 2839 and AB 2655.

22. For example, I wanted to post the parody video of Presidential candidate Kamala Harris that fast-tracked AB 2839 and which was intentionally digitally created by conservative political commentator Christopher Kohls (“Harris Parody Video”).

23. The Harris Parody Video is available on X. See @MrReaganUSA, *Kamala Ad PARODY*, X (July 26, 2024, 6:23am), <https://perma.cc/M45N-G9BW>. I follow Kohls’s X account.

24. Below is a still screenshot of the Harris Parody Video posted on X.



25. I also wanted to post similar satirical videos created by Kohls.

26. Those videos are available at

a. @MrReaganUSA, *Kamala Harris Ad PARODY*, YouTube (July 2024), <https://perma.cc/AM2V-RMCK>.

b. @MrReaganUSA, *Kamala Harris Ad PARODY 2*, YouTube (July 2024), <https://www.youtube.com/watch?v=RIjoPqIcyaw>.

1 c. @MrReaganUSA, Kamala Harris Ad PARODY 3, YouTube (Aug.
2 2024), <https://www.youtube.com/watch?v=XMCPVQAA3rc>.

3 27. I wanted to post the Harris Parody Video and comparable videos
4 because I think that they are funny and creative, the laughter generated by the
5 videos would be good for people, and the satirical and over-the-top statements in the
6 videos contain kernels of truth that might prompt people to think carefully about
7 certain aspects of Harris's candidacy.

8 28. I learned about the Harris Parody Video on September 17, 2024, after
9 viewing Governor Newsom's post on X that he had signed a law making it illegal to
10 post that video and others with similar content.

11 29. If not for AB 2839 and AB 2655, I would have immediately posted the
12 Harris Parody Video, and the other videos referenced above in paragraph 26.

13 30. As a result of AB 2839 and AB 2655, in addition to the Harris Parody
14 Video and other similar videos, I refrained from posting other content, including
15 intentionally digitally modified videos and images of Kamala Harris asking illegal
16 immigrants to vote, appearing in a Seinfeld episode, wearing communist attire,
17 wearing a "Make USA Great Again" hat, and speaking to a communist gathering,
18 and a digitally altered video of Governor Newsom endorsing Donald Trump.

1 31. In addition to the content identified in paragraphs 29–30, as a result of
2 AB 2839 and AB 2655, I refrained from posting the following images on my online
3 accounts.



14
15
16
17
18
19
20
21
22
23 32. The three above images were AI-generated images of then-Presidential
24 candidate Donald Trump doing something that he did not do.

25 33. I desired to caption the post containing these images as: “This is the
26 strategy to get Kamala Harris elected—political retaliation” or something
27 materially similar.

1 34. I refrained from posting the content identified in paragraphs 29–31 on
2 my online accounts because of AB 2839 and AB 2655.

3 35. I have been subjected to past instances of censorship or threatened
4 censorship because of my online posts that were materially different from the posts
5 identified in paragraphs 29–31.

6 36. For example, Facebook, Instagram, and TikTok have removed content
7 from my accounts between ten and twenty times.

8 37. Likewise, the State Bar of California improperly began to investigate
9 me in 2022 for a TikTok video that I created which commented on abortion and a
10 then-pending California bill regarding abortion.

11 38. The post generated many reactions on TikTok, and several users
12 commented about how to file complaints with the State Bar of California.

13 39. After conducting a month-long investigation, the State Bar of
14 California closed the investigation.

15 40. But this investigation caused me to rarely post on TikTok to avoid
16 future complaints related to my bar license.

17 **II. I intend to post content that violates AB 2839 and AB 2655 for future**
18 **elections.**

19 41. For future elections in California, I intend to post content on my blog
20 or X, Facebook, or Instagram similar to the content referenced in paragraphs 29–31
21 as it relates to those elections. That means I intend to post intentionally digitally
22 created or modified content—including satire or parody—about politicians, future
23 presidential and vice presidential candidates for office who appear on the ballot in
24 California, other candidates who appear on the ballot in California, elected officials
25 saying or doing something in connection with an election in California, and ballots,
26 voting machines, and voting sites related to an election in California.
27
28

1 42. I have posted and will republish satire or parody that I know is not
2 literally true in all respects, showing candidates and other politicians doing or
3 saying things they did not really say or do.

4 43. I have also posted and will republish other content that is not satire or
5 parody that I know is not literally true, showing candidates and other politicians
6 doing or saying things they did not really say or do.

7 44. I intend to post and reshare such content, including content from
8 Christopher Kohls, like that identified in paragraph 26 and materially similar
9 content in future elections in California, even though I know it is not literally true
10 because I believe such content helps to make certain political arguments more
11 effectively than with the literal truth.

12 45. Since the 2024 election, I have posted content that would be proscribed
13 by AB 2839 and AB 2655 . For example:

14 a. On January 26, 2025, I reposted on X this image:



1 b. On January 13, 2025, I reposted on X President Trump's post of
2 a digitally altered video depicting a "conversation" between Presidents
3 Trump and Obama at President Carter's funeral. Donald J. Trump
4 (@realDonaldTrump), X (Jan. 13, 2025, 7:55 PM), [https://perma.cc/5924-](https://perma.cc/5924-U2V9)
5 [U2V9](https://perma.cc/5924-U2V9).

6 c. On January 9, 2025, I reposted on X The Babylon Bee's article
7 entitled *Gavin Newsom Demands Answers From Whoever's In Charge Of*
8 *California*, which features the below digitally altered image of Gov. Newsom,
9 <https://perma.cc/F5XC-7AJT>.



10
11
12
13
14
15 46. I, along with many others in California, expect Kamala Harris to run
16 for governor in 2026.

17 47. In fact, Attorney General Rob Bonta recently stated that he would not
18 run for governor and that he would support Harris if she ran. Dustin Gardiner,
19 *California's AG won't run to succeed Newsom*, Politico (Feb. 2, 2025),
20 <https://bit.ly/3QGF0hp>. In his words, Harris's candidacy "would be field-clearing."
21 *Id.*

22 **III. AB 2839 and AB 2655 impose overwhelming burdens on my speech.**

23 48. The only way for me to publish or republish satire or parody on my
24 own website or on my online accounts without violating AB 2839 is by labeling that
25 the content "has been manipulated for purposes of satire or parody."
26
27
28

1 49. This disclaimer alters the content of the messages I want to express by
2 alerting the viewer to the satirical or parodical nature of the communication and
3 thereby depriving the expression of its rhetorical force.

4 50. This disclaimer also alters the content of the messages I desire to
5 express by forcing me to incorporate California's desired messages into the satire or
6 parody.

7 51. I am not willing to post satire or parody with this label because I do
8 not want this disclaimer to alter my messages and because AB 2839's size and
9 duration requirements ruin the communicative impact of satire or parody.

10 52. For example, AB 2839 requires me to alter the Harris Parody Video by
11 posting a disclaimer like the below throughout the video, shown next to a still from
12 the video:



19 53. Further, AB 2839 also prevents me from posting other “materially
20 deceptive” AI-generated or other digitally modified content that is not literally true,
21 but not satire or parody, about the prohibited subjects.

22 54. For example, because the images of Donald Trump identified in
23 paragraph 31 above are not parody or satire but nevertheless constitute “materially
24 deceptive content,” AB 2839 prohibits me from posting the images and others like
25 them on the threat of lawsuits and penalties.

26 55. AB 2655 also burdens my speech.

1 56. I post content on X, Facebook, and Instagram, all of which qualify as
2 large online platforms under AB 2655.

3 57. AB 2655 requires those large online platforms to remove or label my
4 posts that are materially similar to the content I have previously posted.. Such
5 content includes digitally created or modified content about future presidential and
6 vice-presidential candidates for office who appear on the ballot in California, other
7 candidates who appear on the ballot in California, and elected officials saying or
8 doing something in connection to an election in California.

9 58. AB 2655's vague terms also encourage large online platforms to err on
10 the side of removing or labeling content rather than allowing it, even if the content
11 arguably falls within the "satire or parody" exemption of AB 2655.

12 59. The liability threatened by AB 2655 further encourages large online
13 platforms to suspend or ban my accounts should I post content prohibited by AB
14 2655.

15 60. I am familiar with the publicly available terms of service and content
16 moderation policies of X, Facebook, and Instagram.

17 61. When posting on online platforms, I must abide by those platforms'
18 terms of service or risk suspensions or bans of my accounts.

19 62. X's terms of service make users "responsible for ... any Content [they]
20 provide, including compliance with applicable laws, rules, and regulations." X,
21 Terms of Service, <https://bit.ly/4h0Ey8A>. AB 2839 is such a law. Violating that term
22 of service subjects me to potential account suspensions or bans from X.

23 63. Instagram's terms of use require users to agree not to "do anything
24 unlawful." Instagram, Terms of Use, <https://bit.ly/4koCBWf>. Violating AB 2839 thus
25 subjects me to potential account suspensions or bans from Instagram.

26 64. Facebook's terms of service require users to agree not to "do or share
27 anything ... [t]hat is unlawful." Facebook, Terms of Service, <https://bit.ly/41pmDTf>.

1 Violating AB 2839 thus subjects me to potential account suspensions or bans from
2 Facebook.

3 65. Suspensions or bans of my accounts from these platforms would harm
4 my reputation among my followers, cause me to lose access to platforms where I
5 communicate my preferred messages, views, and opinions, and cause me to lose
6 access to the tens of thousands of followers I have acquired on X, Facebook, and
7 Instagram.

8 66. As discussed above, the State Bar of California investigated me after
9 several TikTok users commented about how to file complaints about my content.
10 The bar investigation caused me to rarely post on TikTok. AB 2655 has a similar
11 reporting mechanism that could lead to large online platforms suspending or
12 banning my accounts. Anyone can report any content, even if it doesn't violate AB
13 2655. That reporting mechanism will thus cause me to avoid posting political
14 content, even if not covered under AB 2655, on large online platforms.

15 67. I also desire to view other creators' content, including political satire or
16 parody and content from The Babylon Bee and Christopher Kohls, because I believe
17 we all benefit from the freedom to speak the truth, expose bad ideas, and encourage
18 societal change.

1 Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
2 is true and correct.

3 Executed this 6th day of March, 2025, at Los Angeles, California.

4 
5 _____

6 Kelly Chang Rickert